

EXHIBIT 12

[Filed Under Seal]

From: Swindle, Patrick
Sent: Friday, June 24, 2016 2:38 PM
To: Grant, Michael
Subject: FW: Recent Media Coverage
Attachments: The Nation Talking Points_FINAL_06 21 16.pdf; Mother Jones One Pager 06 23 16.pdf

From: Owen, Steve
Sent: Thursday, June 23, 2016 8:05 PM
To: Owen, Steve <Steve.Owen@cca.com>
Subject: Recent Media Coverage

CCA Leadership:

We wanted to bring you up to speed on a couple of recent critical stories about CCA and our industry from ideological news outlets that may prompt some questions from stakeholders. Although both stories were published by outlets that are clearly biased against our industry and fall outside the mainstream media, we want to ensure you have the background on CCA's efforts to help these reporters write accurate and balanced pieces, and arm you with the facts and context that were omitted or mischaracterized, to aid you with responding to any inquiries you might receive. Additionally, to help us gauge the impact of these stories and adjust our strategy as needed, please let us know when you get feedback from stakeholders.

Attached to this email are two documents that provide relevant facts and key talking points about each published piece. In both cases, CCA's public affairs team was highly responsive and engaging with the reporters in an effort to help them write accurate, balanced stories. In the case of Mother Jones, that effort spanned over a year.

The Nation: ['They Knew Something Was Going On'](#) (June 15) Independent activist/reporter Seth Freed Wessler, who you may recall wrote a negative piece about our industry in February, wrote a strongly biased story narrowly focusing on challenges with inmate healthcare in private, BOP-contracted facilities and the bureau's allegedly poor oversight of those services. The reporter relies heavily on former BOP officials and approximately 9,000 pages of BOP reports and records, many of which are dated and go as far back as 1998.

Mother Jones Magazine: ['My Four Months as a Private Prison Guard: A Mother Jones Investigation'](#) (June 23) As we've emailed about previously, reporter Shane Bauer, with the knowledge and support of Mother Jones' editorial leadership, gained employment under false pretenses at our Winn facility in 2014. Mother Jones today published Bauer's 35,000-word story detailing his experiences and observations during his four-month stint as a correctional officer. The lengthy piece reflects Bauer's predisposed bias against CCA and corrections broadly on issues of violence, medical/mental healthcare, and segregation. The story includes audio/video footage produced by Bauer from inside Winn, potentially in violation of the law and undermining safety and security for both staff and inmates.

We will continue monitoring these stories and any subsequent coverage, and provide updates to messaging and strategies as warranted. In the meantime, please do not hesitate to reach out to me or Jonathan Burns with any questions you might have.

- Steve

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Get the Facts on *Mother Jones*

The conduct of *Mother Jones* in its coverage of Corrections Corporation of America (CCA) reveals a deliberate effort by an activist reporter, Shane Bauer, to advance a predetermined premise at the expense of numerous laws, widely accepted journalistic standards, a fully informed readership and even the safety and security of a correctional facility. Time and time again, *Mother Jones* engaged in reckless, dishonest and illicit conduct and failed to demonstrate a serious interest in a genuine and productive exchange of information about the complex issues at hand.

Bauer's conduct while employed by our company was reckless and could have jeopardized the safety and security of the facility, its employees and the surrounding community.

- ❖ Bauer admits openly in the published piece that he failed to perform many of the security duties of his position, which were intended to ensure the safety of the inmates and his colleagues.
- ❖ Bauer has alleged conduct by others that could have impacted facility safety and security — actions he was required to report under CCA's Code of Conduct, which he signed as an employee.
- ❖ His decision not to report these alleged incidents while he was employed by CCA, and his failure to report them in the more than yearlong period following his employment, is another sign that he sought this job simply to damage the company's reputation, and he was willing to jeopardize the safety of others in pursuit of that goal.

CCA appointed an independent investigator that Bauer refused to speak to.

- ❖ Even though many of the claims presented by the reporter in the more than six months since he first reached out to CCA's public affairs team were vague, poorly sourced and contained egregious factual inaccuracies, our company always takes allegations of this nature seriously.
- ❖ We appointed an independent, outside investigator to the matter and, as part of the process, encouraged Mr. Bauer, through his legal counsel, to share his concerns with the investigator. He never reached out.

***Mother Jones'* claim that the reporter sought employment under false pretenses because it lacked access to our facilities is an outright falsehood.**

- ❖ Not once had Bauer or any other reporter from *Mother Jones* reached out to CCA to ask to visit a CCA facility.
- ❖ What's more, prior to Bauer's December 2015 inquiry following his employment with CCA, no one from *Mother Jones* had even asked for so much as an interview from our company.
- ❖ In reviewing our records over the past several years, we believe the only request we've ever received from *Mother Jones* was from a writer named Jim Ridgeway in May 2012. He asked for a statement, and we promptly responded.

Bauer obtained employment at CCA under false pretenses and was disingenuous in his portrayal of his profession and employer.

- ❖ When Bauer reached out to CCA to request an interview in December 2015 — more than a year after seeking employment with our company — he identified himself as a "senior reporter" for "*Mother Jones* magazine." He lists his position and employer in the same way on numerous public sites, including his publication's webpage (<http://goo.gl/Bm2mbl>), his Twitter account (https://twitter.com/shane_bauer) and his personal website (<http://www.shanebauer.net/>).
- ❖ It was therefore evasive and deliberately misleading when he characterized his profession as "writer" and listed his employer as a nonprofit foundation that contained no mention of the name of his publication on his job application for CCA.



- ❖ While employed at Winn Correctional Facility, Bauer also willingly signed CCA's Media Guidelines Policy, which he violated in his publication of this piece. Moreover, the fact that Bauer signed the CCA Media Guidelines Policy in the first place further discredits the absurd claim by *Mother Jones* leadership and its legal representation that Bauer did not purposefully conceal his profession or employer.
- ❖ All CCA correctional officers go through a background check that verifies important information such as criminal history. However, the background service CCA uses — and we would assume this is true for most companies and organizations — doesn't run a specific check to see if a person is a working member of the media. Candidly, if transparency and ethics are important to a journalist, that shouldn't have to be part of the process.

The actions of Bauer's colleagues at *Mother Jones* further demonstrate a lack of transparency and indicate an unwillingness to present a factual and fully informed story to the publication's readers.

- ❖ Bauer's *Mother Jones* colleague James West was arrested for trespassing on the land surrounding Winn Correctional Facility while Bauer was employed there.
- ❖ At the time, West was in possession of a drone, which poses significant security risks to any correctional facility. A recent Associated Press outlines the serious safety risks drones pose in correctional settings, including their ability to drop in contraband (<http://goo.gl/v2H8Wv>). The article also discusses the efforts by several states to criminalize such conduct because of significant safety concerns.
- ❖ The media statement *Mother Jones* leadership issued following West's arrest is also false and indicates an effort to mislead the publication's readers and the general public regarding both West and Bauer's conduct. It first claimed that West was stopped by police "while news gathering in a public place." This is false. The land around the facility is not public for obvious safety and security reasons. Secondly, it stated that he was arrested when "he refused to show the contents of his camera." This is also false. He was arrested because he was trespassing. Finally, it stated that Bauer "did not conceal his identity or employment history from CCA." This, too, is false for the reasons outlined above.

Bauer's conduct since leaving his job with CCA underscores that he has no interest in fostering a genuine and productive exchange of information and would rather force onto *Mother Jones* readers a rehashed and predetermined premise instead of a factual and informed story.

- ❖ There were numerous, egregious factual errors in Bauer's questions and comments to our company in the months leading up to the story. For example, Bauer attributed a quote entirely to the wrong person, completely mischaracterized our compensation from Kentucky and incorrectly identified the origin of temporary duty staff, among other issues.
- ❖ We previously asked the reporter for additional details and clarification around a number of issues he raised, but he chose not be transparent with much of that information. For example, of the 16 requests for additional clarifying information we submitted on Feb. 8, 2016, he only addressed two. The detail Bauer did provide in many cases shows his reporting to be careless and even reckless.
- ❖ While several of Bauer's questions asked for responses to "critics" of CCA, there was not a single inquiry suggesting that he spoke to a person supportive of our company and the solutions we provide. We offered to provide Bauer contact information for such third parties to provide balance and context to his coverage, but he did not respond.

The Nation Talking Points 06.20.16

This is a bought and paid for hit piece by an activist writer funded by anti-privatization groups and individuals.

- The writer stated his biased and uninformed premise before ever writing the story and marketed it to crowdfund for more than \$25,000. He clearly wouldn't want to disappoint his financial backers by publishing a piece that went against their worldview.
 - On the fundraising page for the piece, he wrote back in February: "The federal government runs a system of private prisons for immigrants, where lax rules can lead to inadequate medical care. Help me share their stories." (<https://goo.gl/TyaJMy>) This makes it clear that he had no intention of seeking a balanced perspective.
 - A review of the comments of the financial backers of the piece also indicates a strong bias (<https://goo.gl/GCGHPd>).
 - The piece was funded through a website that underscores the activist nature of the effort, "Crowdfunding only works when you're campaigning on behalf of your story."
- The writer's byline touts his Soros Justice Media Fellowship. Soros' Open Society Foundations have supported numerous anti-privatization groups such as Prison Legal News (PLN) to the tune of *hundreds of thousands of dollars* over the years. The managing editor of PLN is paid anti-privatization activist and convicted felon Alex Friedmann.

The writer completely failed to provide context regarding how private prisons compare to BOP and other public facilities.

- Healthcare: Well-known challenges exist in the delivery of healthcare – not only at public and private prison facilities but also in the general public. The writer took none of the uniqueness of the prison population into account.
 - For example, the Pew Charitable Trusts published a report highlighting the challenges delivering healthcare in prisons (<http://goo.gl/LwMVqa>):
 - Population is aging; and
 - Greater prevalence of infections and chronic diseases, mental illness and substance abuse, many of whom enter prison with these problems.
 - Many inmates have had little or no exposure or access to the healthcare system prior to coming to our facility and benefit significantly from the regular access to healthcare providers. This population in particular largely entered the country illegally and have increased challenges related to infectious and contagious diseases.
- Mortality Rates: We take any loss of life in our facilities very seriously, but it is critical to review this information in appropriate and reasonable context. For example, in 2012, there were 4,446 deaths in custody in state prisons, which is a mortality rate of 274 per 100,000. BOP also experienced similar mortality rates in 2012. CCA, in comparison, had a rate of 61 per 100,000 inmates in 2012 at facilities

where we provide the healthcare. When comparing the mortality rate in facilities operated by CCA housing BOP inmates, the mortality rate seen is significantly less than half of the rate reported by the U.S. Bureau of Justice Statistics in a report on deaths in custody from 1999 to 2008.

- Challenges Not Exclusive to Private Facilities: Recent media coverage has detailed the BOP's own challenges with staffing for medical services, none of which the writer included in his piece, further illustrating his biased anti-contractor agenda.
 - A March 28, 2016 article in *USA Today* cited a former BOP official who told auditors that medical staffing vacancies have reached a "crisis level" at some institutions. ([Feds struggle to provide prison medical care - USA Today](#))
 - An April 24, 2016 article in *USA Today* reported on how a fight between unionized employees and the BOP would further exacerbate critical staffing issues at facilities. It cited 656 medical staff vacancies at BOP facilities. ([Labor fight threatens inmate health care - USA Today](#))
 - On April 26, 2016, *USA Today* reported that nurses were assigned to guard duty because of staffing shortages ([Nurses thrust into guard duty at federal prisons - USA Today](#))

The piece contains numerous false and misleading statements and failed to include much of the context that we provided.

- Healthcare: While medical privacy laws and considerations prohibit us from addressing specific inmates' medical conditions, we provided significant context regarding inmate healthcare for the reporter that he failed to include. For example:
 - Employment of LPN/LVN staff vs RNs: First and foremost, the staffing patterns for our healthcare professionals are approved by our government partners, and they are designed expressly to meet the healthcare needs of each facility. CCA employs a full range of healthcare staff including LPNs, RNs, mid-level providers (e.g., physician assistants and nurse practitioners), physician-level providers, dental assistants and hygienists, dentists, masters and doctoral mental health staff, psychiatrists and other allied health professionals to provide care to the patients housed in our facilities. Additionally, CCA regularly provides access to offsite medical providers as specialized care is needed.
- Cost: The writer falsely stated that facilities like ours don't save money, despite the fact that the BOP's own numbers tell a different story. Current BOP-published cost figures indicate that the rate for contracted prisons in 2015 was \$63.35 per day while BOP's calculation of its own costs for a similar security-level facility, which do not include facility siting, design or construction costs, were \$80.20 per day.
- Programming: The writer quotes a source that indicates that inmates are not provided programming at these facilities, which is completely false. In each of our BOP-contracted facilities, we offer Mexico's equivalent of a GED, as a suite of release preparation programs, which include classes focusing on life skills, job placement, parenting, health and wellness, money management, victim awareness, and transition skills. Enhancing the employability of these offenders when they return to

their countries of origin helps reduce the need to/likelihood of illegally reentering the U.S.

- Effectiveness of Partnership with BOP: The writer provides no context for the important partnership we've had with the BOP for decades. Without companies like ours, federal agencies would have to make extremely difficult decisions about how to manage populations, provide capacity and facilitate high-quality programming for individuals in their care.
 - The U.S. Bureau of Prisons (BOP), which is currently operating above 100 percent capacity, relies on contractor prisons to house nearly one-fifth of its population.

The writer relies heavily on old information, and many improvements and enhancements have been made in the interim.

- For example, at Cibola, we are supplying two physicians and two nurse practitioners. This is twice the required staffing. We have also hired additional RN staff at no cost to the BOP.
- At Adams County, we supply two full-time physicians, which is also twice the required staffing. Additionally, the majority of the professional medical staff have training in emergency medicine.

We are absolutely committed to providing high quality healthcare to every inmate entrusted to our care.

- We maintain a number of accreditations from independent, nationally recognized industry leaders such as the American Correctional Association (ACA) and the Joint Commission on Accreditation of Healthcare Organizations (JC), which ensures that we meet the highest standards for healthcare delivery
- In 2015, CCA BOP facilities provided more than 24,000 onsite medical contacts, more than 107,000 prescriptions and more than 1,500 outside medical appointments.

CCA is also committed to accountability and quality control.

- In addition to BOP monitoring, we have a strong quality control program and medical Quality Improvement Program.
- Any deficiencies identified by the BOP or internally require a formal Plan of Action to correct those deficiencies.